

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CVS PHARMACY INC,

Plaintiff,

v.

TIMOTHY M BROWN,

Defendant.

CASE NO. C21-306 MJP

ORDER DENYING MOTION TO
TAKE EXPEDITED DISCOVERY

This matter comes before the Court on Plaintiff's Motion to Take Expedited Discovery. (Dkt. No. 27.) Having reviewed the Motion, the Response (Dkt. No. 32), and all supporting materials, the Court DENIES the Motion.

The Motion lacks merit for two independent reasons. First, as Defendant notes, Plaintiff failed to follow Local Rule 7(d) when it noted this as a "same-day" motion. See Local Rule 7(d)(1) (setting the exclusive list of "same-day" motions, which does not include motions to take expedited discovery). Plaintiff should have noted its motion under Local Rule 7(d)(2). This is an independent basis on which the Court DENIES the Motion. Second, Plaintiff has not shown

1 “good cause” necessary to justify taking expedited discovery before the parties meet pursuant to
2 Rule 26(f). See Music Grp. Macao Com. Offshore Ltd. v. John Does I-IX, No. 14-CV-621 RSM,
3 2014 WL 11010724, at *1 (W.D. Wash. July 18, 2014); Fed. R. Civ. P. 26(d)(1). The Court has
4 set the April 19, 2021 as the deadline for the parties to hold their Rule 26(f) conference, and the
5 Court does not find good cause to allow expedited discovery from now until that time. (See Dkt.
6 No. 34.) Plaintiff has not identified any evidence that would be lost if not for immediate
7 discovery. And Plaintiff will likely be able to take the depositions it proposes largely on the same
8 time frame as identified in the Joint Status Report (Dkt. No. 33). This is another independent
9 basis on which the Court DENIES the Motion.

10 In response to the Parties’ Joint Status Report, the Court separately notes that if Plaintiff
11 wishes to file a motion for preliminary injunction, it must draft and file the motion in conformity
12 with the Local Rules and note it according to Local Rule 7(d). Plaintiff may not simply renew
13 any previously filed motion. The Court will set any hearing, as needed, after the motion is filed.
14 And the Court is aware of Defendant’s counsel’s unavailability between May 17-21.

15 The clerk is ordered to provide copies of this order to all counsel.

16 Dated March 23, 2021.

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18 Marsha J. Pechman
19 United States District Judge
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